

MAY 2000

# Inside Seven

**Caltrans** DISTRICT 7 EMPLOYEE NEWSLETTER

GRAY DAVIS, GOVERNOR

MARIA CONTRERAS-SWEET, SECRETARY OF BUSINESS TRANSPORTATION AND HOUSING AGENCY

JEFF MORALES, DIRECTOR

## ANGELS IN HARDHATS

### Caltrans Maintenance Workers Find Missing Motorist, Hours From Death, Alive on the 605

**W**hat happened to motorist, Lee Risler, a 54-year-old sandal maker by trade and surfing enthusiast from Lucerne Valley, California, was an unforeseeable, unfortunate and tragic set of circumstances, to say the least. Risler became trapped upside down in his crushed van for 57 hours following what he explained was an accident caused by a hit-and-run freeway driver in the early morning hours of March 18. "It was an unlucky chain of events," Risler would later say. But, as it turns out, it was a luckier chain of events that saved his life three agonizing days later.

His dramatic ordeal began very early March 18 on his way to a craft show in Hermosa Beach where he was to meet his wife and three children. While traveling at 3 a.m. on the southbound San Gabriel River Freeway (I-605) near Telegraph Road in Downey, he was suddenly sideswiped by another vehicle. Without warning, Risler lost control of his white 1991 Ford van and it tumbled off the side of the freeway down a wooded area and into a ravine 50 feet below the roadway, uprooting trees and shrubs in its wake. His van landed crushed and upside down. Risler found himself face down inside the van with his left arm pinned between the roof of the van and heavy tree limbs, his feet sticking out the passenger window. He was covered with boxes of sandals he had hoped to sell at the craft show. Thinking surely someone had seen



*Happy to be alive, Lee Risler revisits his accident site April 19, 30 days after being saved by his new, life-long Caltrans friends, Joe Ochoa, left and Ben Sepulveda, right.*

the accident, he waited anxiously for help to arrive. But when it did not, Risler began yelling and honking his horn with his free hand until the van's battery eventually gave out. Completely pinned between the tree and the van and unable to free his left arm, he waited.

The following day Risler rejoiced when sirens and helicopters were heard. But to his horror, they never came to his aid. They were responding to an accident farther up the road. "I was digging in the ground under me in mud and muck, and I was surrounded by ants. It was a nasty place to be for that long," he said. "I could only see right in front of me and had sensory deprivation to the max."

Bryn Risler, 43, Lee's wife of 21 years and their three children, Rhett, 15; Elaine, 14; and Vincent, 6; waited for Risler at the craft show. When she discovered his booth had been given to someone else due to his "no-show," she made dozens of telephone calls and went to the police and filed a Missing Person's Report. She said, "In the 21 years we have been married and selling our sandals at craft shows, Lee has not missed one show. When he did not show up, I knew something was terribly wrong."

While his family waited desperately for news and kept in constant contact with the police, the hours and pain began taking their toll on Risler. He was worried more about his family than himself. He said, "I knew my kids were wondering 'Where's dad?'" He began eating toothpaste to keep up his strength and endured unbearable thirst as he lapsed in and out of consciousness.

Afraid to never see his family again, Risler became so desperate to free his arm that he did the unthinkable. Reaching in his pocket for a pocketknife he began amputating his own fingers. "It was not such a hard decision for me to make," he said. "My arm was already dead. It was black." When three fingers and his thumb were gone, he tried to remove his hand from under the grip of the strong tree limb pinning him, but found that the slight movement only tightened the grip the massive branch had on him. Then he started cutting into his own arm, but was unsuccessful in amputating it when he dropped the knife.

After now being trapped over 50 hours

*continued on page 4*



## THE DIRECTOR'S CHAIR

**T**he District Office Building reminds me of a good, old car — you keep up the maintenance of it, hoping that good upkeep will keep it running well. And like an old car, you just never know what will happen next and you don't want to take it on a long trip. Much like this building, we are not here any longer for the long haul. Maintenance, upkeep and repair of the District building will continue. And as mentioned in last month's issue, the governor's budget shows funding for design of a new building. We continue to look at the Main Street lot and updates will be forthcoming as we progress.

I always enjoy hearing stories from our conscientious Maintenance employees. Some have the most interesting tales about their findings on the freeways or their encounters with motorists. In particular I appreciate the honesty of those who, when they do discover something found strewn along the freeway shoulders, in bushes or along a lonesome highway, always find a way of returning lost items to their rightful owners. Often, they go through a lot of investigation on their own to bring billfolds, wallets and other important items back together with their owners.

But few have had the dramatic experience that Joe Ochoa, Ben Sepulveda and the rest of the Florence Road Crew experienced on Monday, March 20 when they discovered 54-year-old Lee Risler trapped upside down in his van for three days in a ravine off of the I-605 Freeway in Downey (see cover story). Their important safety training came into play, when, after their discovery, immediate calls for assistance, set-up of a lane closure and someone to reassure and console the victim took place simultaneously. The team spirit at Caltrans no doubt contributed to saving his life. Many of our employees have had similar experiences but nothing quite this dramatic, and none which has received quite so much publicity. And I want to thank everyone involved for their tremendous efforts in helping to save a life. You have made all of us proud.

Maintenance employees are invariably the ones who set the image for all of us. Their hard work is very much appreciated by me, Caltrans in general and by the public. Mike Miles, Division Chief of Maintenance, knows first-hand what it is like for Maintenance personnel to work next to speeding vehicles, or in a slow moving sweeper with cars dodging

in and out of traffic at high speeds all around. And these dangers are encountered on a daily basis. The freeways are their "offices."

All of the staff here at Caltrans have much to offer to the public, each in a different manner. And while Maintenance employees are sometimes singled out because of their visibility to the public, Construction forces are also quite visible and are put in precarious positions as well, particularly during closures involving freeway rehabilitation work and especially nighttime projects. Fortunately, we have an excellent partner in the California Highway Patrol who assist us with traffic control and closures to increase safety to Caltrans workers, as well as the motoring public.

The team concept and spirit of Caltrans employees were on the job that fateful day on March 20, and remain on the job 24-hours a day. It is that team spirit that made us all proud then, and what keeps us proud day in and day out. •

**ROBERT W. SASSAMAN**  
District Director



## Equal Opportunity Corner

## Recent Cases In The News

*By Cathi McMahan, Equal Opportunity Officer*

**T**here have been several high-profile cases in the news recently regarding discrimination and sexual harassment. Many have resulted in large awards by juries. The Equal Employment Opportunity Commission (EEOC) has stated that it applauds the juries for their service and for sending a loud message that discrimination will not be tolerated.

The following is a synopsis of some of these cases:

### **EEOC V. Chuck E. Cheese:**

Federal Court rejected Chuck E. Cheese's efforts to overturn a jury verdict that found the company liable under the American with Disabilities Act (ADA) for firing a mentally retarded janitor. The jury awarded \$13 million in punitive damages against the national

pizza chain. The court reduced the amount to \$300,000, the maximum allowable under ADA law. The lawsuit claimed that Chuck E. Cheese violated the ADA when a district manager fired a disabled worker, because the manager did not want "those people" working in the restaurant. The court ordered that the employee is reinstated to his former position and Chuck E. Cheese provides training to its managers about the requirements of the ADA.

### **EEOC V. Wal-Mart:**

Wal-Mart settled an employment discrimination claim for \$132,500 for failing to hire two qualified applicants, because they were hearing impaired. The settlement also includes that the applicants be offered jobs and receive a share of profit sharing and out of pocket costs for medical benefits that would have been covered by health insurance, had the applicants been hired. Wal-Mart also agreed to provide training to all employees, provide sign language interpreters and TDD equipment and modify their reasonable accommodation procedures.

### **Government Pays \$508 Million to Settle Gender Discrimination Suit:**

The Federal Government agreed to pay a record \$508 million to more than 1,000 women who claimed they were refused employment by the U.S. Information Agency solely based on their sex. The settlement resolves a more than 20-year old case stemming from allegations that the women were denied jobs as foreign language broadcasters, writers and technicians. The court also ordered the government to pay the women \$22.7 million in back pay and interest.

### **Highest Ranking Army Female Files Sexual Harassment Claim Against Fellow Officer:**

The Army's highest ranking female officer, filed a formal sexual harassment complaint against a fellow officer. The allegations state that the officer was fondled in her office by a major general. The complaints were initially filed informally and resolved satisfactorily however, the complainant decided to file formally when the officer was promoted to another position.

Most of the Department has received the Civil Rights/Sexual Harassment four-hour training class entitled "Meet You at the Crossroads." This class gave everyone their rights and also the Department's Zero Tolerance Policy for sexual harassment and discrimination. It is important that everyone takes the policies seriously so that the Department's name, as well as its employees' names, remain off of a lawsuit filed by the EEOC. •



# ADOPT-A-HIGHWAY 1999 VOLUNTEERS OF THE YEAR

Caltrans proudly presented Adopt-A-Highway Volunteer of the Year Awards to two very special individuals who embody the spirit of volunteerism as it relates to the Caltrans Adopt-A-Highway program. The important awards were presented by Jack Broadbent, State Adopt-A-Highway Coordinator from Headquarters Maintenance; Mike Miles, Office Chief, Maintenance; and Alfonso Sanchez, District Adopt-A-Highway Coordinator. The two individuals honored were selected from over 4,500 Adopt-A-Highway groups, statewide — a phenomenal amount of hard working volunteers keeping our highways clean and beautiful. "The recipients of these awards shine," said Broadbent.

There are four main programs which comprise the Adopt-A-Highway program. They are: litter removal, tree planting, graffiti removal and mission bells. "Over 9,000 miles have been adopted within our 15,000 mile system for litter removal," explained Broadbent. The value in the program is threefold: it builds community ownership through state right of way; it creates a sense of pride; and generates public awareness in the amount of trash that is picked up. "Our volunteers are picking up an average of 180 bags of trash per year," he added. "And they are walking an average of 15 miles a year to do this." Miles explained that 400 sections of highway are adopted in District 7. Each section is approximately two miles long. Miles said, "Unfortunately, it is difficult

for them because our volunteers are out there picking up litter and trash one day, and they turn around and a few days later it is trashed again. It's a never-ending job.

And we really appreciate their work."

Ken Burns, encouraged by his son, Gregory, 16 and a junior in high school, were the first recipients recognized for their exceptional work on a section of the San Bernardino Freeway (I-10) from



Dr. Kathleen West, center, receives her Volunteer of the Year Award from, left to right: Mike Miles, Bob Sassaman, Alfonso Sanchez and Jack Broadbent.

Gary Avenue to Fairplex in Pomona. Burns said, "It is a lot more work than I thought it would be. When you pick up a piece of paper, is not very hard, especially when you use the litter picker, but when you do it a thousand times it is a lot hard-



Ken Burns, on behalf of himself and his son Gregory, receives the Volunteer of the Year Award from, left to right: Mike Miles, Bob Sassaman, Alfonso Sanchez and Jack Broadbent.

er. People honk and wave encouraging us in our work, and my son is always there with me." The Burns family is very concerned about the environment and they

are willing to do more than their share to combat the litter problem. Miles said, "Their efforts have resulted in an improved level of service that has been recognized and appreciated by area residents and Caltrans. Ken and Gregory's hard work, dedication and commitment to the program is exceptional."

The second award was presented to Dr. Kathleen West, a Senior Research Scientist and Planner from Southern California Edison's Environmental Affairs Division, for her outstanding contributions to the tree planting program. West has become so involved in the effort that she has become known to many as "the tree lady," responsible for planting over 400 trees on the Pomona Freeway at San Gabriel and Rosemead Boulevards. She helped organ-

ize several "pro-green" groups, such as "Tree People" to plant trees, shrubs and wildflowers. Not only involved in the planting of the trees, Dr. West also partakes in watering and maintenance, making sure her trees take root and stay healthy. Miles said, "Dr. West is fully committed to the program and continues to do an outstanding job. Through her vision, dedication and hard work, the motoring public has a more pleasant and beautiful commute. We are extremely thankful for her many years of community service." West commented, "When you do a volunteer project, it is important to choose something your heart is in. And I love trees."

Statewide, the Adopt-A-Highway program saves Caltrans and taxpayers over \$20 million annually. In District 7 alone the savings total over \$2 million per year. Caltrans

applauds the dedicated community service volunteers who have made this program successful. •



After Risler was extricated, a Los Angeles reporter films Risler's van after crews cut away tree limbs and shrubs.

## Angels

continued from page 1

without food or water and little chance of rescue, Risler prayed. Above and about a half-mile from Risler on the 605 freeway, it was now noon on Monday, March 20, and Ben Sepulveda, Equipment Operator and his crew members from the Florence Maintenance Yard were just finishing lunch. Sepulveda was waiting for the "litter getter," a piece of equipment to attach to the freeway sweeper he was operating. The "litter getter" catches larger pieces of litter and debris so workers can remain inside their vehicle and don't have to physically get out and pick them up off of the highway. Because lunch was over and anxious to get back to work and not waste time, Sepulveda decided to begin the sweeping operation without the "litter getter." A short while into his operation, he came upon



Several days after being hospitalized, Risler asked to meet Joe Ochoa, left, and Ben Sepulveda right, the two men who found him and consoled him until paramedics arrived.

a large piece of glass debris that would have been easily swept up by the "litter getter." Instead, Sepulveda hopped off his sweeper and on to the shoulder of the freeway to pick it up. While on the shoulder, Sepulveda's keen eye for landscaping (he had been on the tree crew for years) noticed broken tree limbs and shrubbery out of

place. Suddenly, there it was, half hidden by trees: Risler's overturned van.

Sepulveda could barely believe his eyes as he ran, shaken, down to the wreckage and saw two feet sticking out the passenger door window. He yelled, "Hello! Are you all right? Are you all right? Can you hear me?" He was shocked when Risler replied, "I'm trapped! I need help!" After assuring Risler he would go for help, Sepulveda, his heart racing, rushed back to his vehicle to radio for assistance. "I told them to send the California Highway Patrol, the fire department and everyone!" Ochoa, who was close behind in the sweeping operation, was first on the scene and went immediately to Risler's aid. Sepulveda, Supervisor Norris Lewis and other Caltrans workers arrived shortly thereafter and immediately set up a lane closure in preparation for the arrival of emergency vehicles. "All of our Caltrans safety and emergency training went into action that day," said Sepulveda. "We knew just what to do as a team." Ochoa remained with Risler, offering words of comfort and assurance and held onto his feet because that was all that were visible, as Risler



Risler visits with wife, Bryn, left; friends, family and Caltrans workers Joe Ochoa and Ben Sepulveda.

was covered with boxes of sandals. Ochoa said, "I began removing debris off of him and he kept telling me not to leave him. And I kept reassuring him, 'Don't worry, I won't leave you, everything is going to be all right.'" Ochoa was able to get Risler's name and telephone number off of some invoices found in the van, and his family was notified immediately. When Risler began pleading for water, Ochoa asked him how long he had been trapped. To Ochoa's amazement, Risler said, "Three days."

Risler's dramatic story of survival unfolded live on local and national television. Shortly after Sepulveda's call, the Downey and Santa Fe Springs Fire Departments arrived and sprang into action. Paramedics took over for Ochoa. Soon the media arrived on the scene. Before Risler could be safely extricated, the van had to be stabilized and tree limbs and shrubbery removed. After several hours and almost bleeding to death, Risler was finally freed and rushed to Saint Francis Hospital in Lynwood in critical condition with infection and near renal failure from dehydration. "I had 57 hours of fear, pain and anxiety," Risler told reporters from his hospital bed later that week. "But I have a wonderful wife and three beautiful children that kept me going." Bryn, at his side, said, "This is a brave, brave man." But Risler said the real heroes are the fire department, paramedics and Caltrans workers who saved him. Unfortunately, doctors were unable to save Risler's damaged arm and it was ultimately amputated at the elbow.

On April 7, after five surgeries and 19 days in the hospital, Risler



was finally released, to the joy of his family. A throng of cameras and reporters from every television station, as well as radio reporters, were waiting to hear from the brave man who endured the unimaginable. Nationally syndicated television shows like "Extra" and "Inside Edition" were also at the hospital during his stay and all have been following the truly incredible odyssey.

When he arrived in the hospital lobby in a wheelchair, Risler was wearing his famous sandals, his left arm bandaged at the elbow. He had only praise for the Downey and Santa Fe Springs Fire Departments and paramedics, the doctors and nurses at Saint Francis Hospital and the Caltrans workers who found him. Smiling, he thanked everyone responsible for his survival and told reporters, "I thank God for getting me out of there. I was almost a goner. My kidneys were failing and the doctors told me I was just hours from death." With Sepulveda and Ochoa by his side, he beamed, "These are the two best guys in the world right now. Ben was the first one who found me. He could have just said that someone else could have picked up that piece of litter or said he would just get it later. But because Ben did his job and went that extra yard, I am alive today."

Roy Pool, East Region Maintenance Manager, said that he believes Ben, Joe and others did what any Caltrans employee would do in the same situation. He said, "Some very fortunate events occurred



After 19 days in the hospital Risler is discharged on April 7 amid a throng of reporters who had been following his remarkable story of survival.

down. I am really excited to see how it can work for me," he said. Doctors are hopeful he will have 90% mobility of a real hand and arm. Trauma surgeon, Frederick Stafford, said, "His prognosis is very good overall. He's not looking at this as a disability...more from a standpoint of life than a standpoint of loss." Risler is thrilled at the thought of being able to return to work making sandals and to indulge in his life-long love of surfing. He added, "If I can spread a little cheer, I am happy to do it."

Assemblywoman Sally Havice recently recognized Sepulveda and Ochoa, and the entire Florence Maintenance Road Crew by presenting them with Certificates of Recognition at a special event at the Florence Maintenance yard. At the ceremony, Robert W. Sassaman, District Director, said, "It's always nice to have an occa-



With microphones before them from virtually every major television station in Los Angeles, Ochoa, Risler and Sepulveda speak to the media.

which placed Ben Sepulveda at the exact location where Mr. Risler had gone over the embankment. I am very proud of the actions taken by everyone involved in getting emergency medical aid for him. Norris Lewis, the supervisor, and the entire Florence Road Crew, responded in a very timely and professional manner to secure the scene for the paramedics and fire department to extract Mr. Risler from his vehicle. I would like to recognize all the team members, including Norris Lewis; Ben Sepulveda; Joe Ochoa; Socorro Pacheco, Equipment Operator; Richard Hernandez, Leadworker; Conrad Saenz, Equipment Operator; Roland Moore, Maintenance Worker; Jackie Bagley, Maintenance Worker; and Art Dominguez, Maintenance Worker. This unfortunate incident has shown what Caltrans employees really are dedicated to helping others."

Risler, grateful to be alive, may have lost his left arm, but not his smile, spirit and his positive outlook. Anxious to be fitted with a prosthesis, he remains optimistic. "My doctors brought in an electronic-elbow prosthesis and attached it to my right arm and showed me how, when I flex my muscles, I can make it go up and



On April 19, Risler requested a visit to the accident site. Reporters from "Inside Edition" were on hand to film the event.

sion to celebrate. We're honoring two of your fellow employees today who are out there on the road working with all of you, but at the same time we have to remember that each of you have probably had opportunities similar to this where you have helped somebody out on the road, or found something on the freeway that belongs to someone that you have helped to return. The public

*continued on page 6*

# Angels

continued from page 5

needs to know that we get publicity sometimes on certain occasions, like this one, but helping people is sort of routine for Caltrans in a lot of ways. We are always there to help." Pool and Sassaman also received certificates for their excellence and assistance.

Just before presenting the certificates, Assemblywoman Havice said that she has always appreciated the work that Maintenance personnel have done within her District and for the entire state.

She said, "You are all the unsung heroes of the Department of Transportation." The Certificates of Recognition to Ben Sepulveda and Joe Ochoa from the California State Assembly, read, "There is a gentleman who makes sandals for a living; a man with a wife and a family who is alive, thanks to you. This gentleman suffered a terrible accident, nearly lost his life and was on the edge of despair. But because you are hard workers and did your job well, and went beyond the call of duty, this gentleman can play with his children and laugh with his wife. You have given him those gifts. Thank you for walking that extra mile — for going that extra mile to help your fellow human being." And to Roy Pool, she added, "I would like to thank you for the fine work of your region which keeps our roadways so beautiful and helps motorists... You can feel great satisfaction that Ben Sepulveda and Joe Ochoa and the rest of your staff are responsible for having saved a life. Their efforts are one more example of the value of hard work exemplified by the good work of Caltrans."

Sepulveda responded with thanks to the entire crew. He said, "I want to thank my whole crew. If it were not for them, I would not be here today. And I also want to thank my supervisor, Norris Lewis and Socorro Pacheco for all her help." Ochoa explained to the audience that we wished to accept his certificate on behalf of his supervisor and his crew. He added, "I accept this certificate not only for myself but for my crew and for Norris Lewis because we helped Mr. Risler as a team."

Sassaman mentioned that the circumstance that Ben and Joe were involved in probably received a lot more publicity because of

the drama and special circumstances involved. He said, "I just want you all to know how much we appreciate all the work and extra things you all do out there. When opportunities arise for you to help our fellow motorists out there, you are the first to respond. As I have said before, you are Caltrans. Most of the public does not know that anything else exists in Caltrans except for the Maintenance Workers they see out there on the freeways in the orange shirts. They don't know that I exist or that engineering exists or that project development exists or that about 2,500 employees work at District 7 day in and day out, in the offices and out in the field in Los Angeles and Ventura counties. They only know you out there in the orange shirts and trucks. They count on you to do the job and make the roads better for them. I applaud you personally for the great work you are all doing."

It could have been Risler's prayers, Sepulveda's work ethic, luck or all of the above that came together one day in March to find a lost, injured man who needed help. Who knows? Risler himself said that he got caught in an unlucky chain of events; but on the flip side, another chain of events caused what many have called a miracle. One cannot help but see that through this entire ordeal Caltrans workers have continued to show what they are made of — that they are not just

hard-working and dedicated employees, but wonderful, kind and caring people as well with a lot of heart and soul. Lee Risler: a husband, a father, a sandal maker, a surfer, a motorist, a man in need. Lee Risler is all those things and a man Caltrans was happy to help. Caltrans is always there to help.

And this story doesn't exactly end here. Caltrans Maintenance Workers and the Rislers may have become life-long friends. Sepulveda and others have been invited to participate in Risler's hometown of Lucerne Valley's Fourth

of July Parade. Bryn said the entire community is waiting anxiously to shake the hands of their newfound heroes and express their undying appreciation for helping to save one of their own. To make an even happier ending to this story, donations to assist the Risler family can be sent to: The Risler Recovery Fund, First Mountain Bank, P. O. Box 2100, Lucerne Valley, CA 92356, or to purchase Lee Risler's handmade sandals, log on to their website at [kiwisandals.com](http://kiwisandals.com). •



Assemblywoman Havice, second from left, presents special Certificates of Recognition to, left to right, Ben Sepulveda, Joe Ochoa, Roy Pool and Robert W. Sassaman.



Assemblywoman Havice poses for a rare group photograph with the entire Florence Road Crew, thanking them all for a job well done.



## L.A. LAW RULES!

### Caltrans' Los Angeles Legal Division Victorious in Major Lawsuit

**A** motorcyclist who sued Caltrans for injuries sustained in a motorcycle accident in which she claimed Caltrans was responsible, lost her legal battle when the jury ruled that Caltrans was "not liable" in a lawsuit totaling in excess of a half-million dollars.

It all began around 11 p.m. September 26, 1997 when a motorcyclist and her companion were traveling on separate motorcycles on the westbound Valley Boulevard on-ramp to the northbound San Gabriel River Freeway (605). As the plaintiff rounded a curve, she lost control of her vehicle, flipped over and slid across the pavement, causing severe leg, facial and other injuries requiring three days of hospitalization and subsequent plastic surgery. The motorist claimed that three feet of a polyurethane rubber-like joint sealant material used for sealing joints in the roadway were exposed and caused her accident. Her damage claim against Caltrans totaled over \$525,000.

Michael Cacciotti, Caltrans Deputy Attorney handling the case, said, according to testimony, "Friends of the two motorcyclists were close behind and assisted them in getting home the evening of the incident. But the police were not even notified until the following day, which would have made it too late to do alcohol blood levels or other testing." And the plaintiffs photos of the accident scene, showing the material, were taken the day following the accident, and not at the time of the accident. "There was no way of telling how that material was pulled out of the joint, especially because they took a photo the next day." A lawsuit was subsequently filed on July 9, 1998.

Cacciotti explained that the joint sealant material is made to fit extremely tightly into the roadway joints and is virtually impossible to come out on its own. After numerous examinations of the said material at the accident site, it was discovered that the material was so tightly fitted into the joints, that even when someone tried to "unwedge" it, it was extremely difficult; almost impossible.

Months of "discovery" ensued involving depositions; site investigations with Maintenance employees, Bridge and Electrical Maintenance personnel and the California Highway Patrol; as well as accident reconstruction and status conferences. In addition, a motorcycle expert was brought in to assist in reconstructing the accident scene. The reconstruction was videotaped and hundreds of still photos taken in an effort to determine if it was actually possible for the accident to have occurred the way the plaintiff claimed. At the same rate of speed, the expert drove a motorcycle over the material dozens of times with the polyurethane material placed in numerous positions, all with the same result: nothing happened. "No matter what we did with the material

or how we did it, the motorcyclist had no problem driving over the material," said Cacciotti.

An expert accident reconstructionist was then summoned to determine various speeds, angles and velocities in causes of accidents. A retired Caltrans expert traffic engineer, Ed Nahabedian, was also called in to testify. And the accident history of the site indicated that no motorcycle accident had occurred there in at least the past three years. The weather the night of the occurrence was dry and clear.

After settlement conferences, the plaintiff's demand was lowered to \$125,000. Because Caltrans felt they were not at fault, a settlement was not reached. "Her injuries were substantiated by physicians," said Cacciotti, "but the question remained, 'Whose fault was it?'" We knew

her accident was not through any fault of Caltrans." A trial was originally set for January, 1999 at the Los Angeles Superior Court, East District, Pomona. Just prior to the trial the plaintiff's lowered their demand to \$50,000. Caltrans still would not settle the case.

The jury trial started officially in February 27, 1999. Susan Padilla, Caltrans Investigator, accompanied Cacciotti. The plaintiffs put on their case for several days. A retired General Motors expert and a professional motorcycle rider were called as witnesses for the plaintiffs. Cacciotti tenaciously cross-examined their witnesses. Then it was Cacciotti's turn. Maintenance and Bridge

Maintenance personnel were called to testify as well as CHP personnel who patrol the area in question regularly. Maintenance records were made part of the exhibit. Expert witnesses were brought in. And for five grueling days the case progressed. "Our witnesses held up well under intense cross-examination by the plaintiff's attorney who was unable to trip them up," said Cacciotti.

The videotape of the motorcycle expert's reconstruction of the accident scene was then played for the jury showing the motorcycle riding over the sealant placed at various positions at different speeds time and time again, showing how nothing happened to the motorcyclist. And in closing arguments, Cacciotti said, "Ladies and gentlemen of the jury, 'The men and women employees of Caltrans are hard-working people, just like you and me — they put in their time and try to do the best job possible and they are dedicated to providing you with the best transportation system in the world.'" And on March 1, after only 35 minutes of deliberation, the jury made their decision: Caltrans was found "not liable."

According to Cacciotti, very few cases go to trial. He said, "I really want to thank all of the dedicated and professional individuals at Caltrans who helped win this case. Their efforts and teamwork made this victorious ruling possible." •



Michael Cacciotti, and his victorious team. Front Center: Michael A. Cacciotti. 2nd Row Left to right: Ed Nahabedian, Pol Siao, Gigi Boongaling, Ginny Bell, Mine Struhl, Martha Rudolph. 3rd Row Left to right: Steve DeVorkin, Jim Rongey, Garrett Eberly, Suzy Padilla, Isabel Paramo. Back Row: Mario Rodriguez

## What's **Cookin' At Caltrans**

### CHICKEN TORTILLA CASSEROLE

*From Irene Coyazo, Chief, Governmental Affairs*

- 6 to 8 chicken breasts or equivalent dark meat
- 1 medium can diced Ortega chiles (or two cans if you want it more piquant)
- 1 pound sharp cheddar cheese, grated
- 1 can each cream of mushroom and cream of chicken soup, mixed together
- 1 cup (or more if you wish) green or regular onions, diced
- 2 to 3 dozen corn tortillas

Cook chicken in water with onions and salt or garlic salt until done and shred. Set aside. Heat tortillas and tear into bite-sized pieces or a little larger. Start layering ingredients in a 9" X 13" casserole dish, coated lightly with oil. Layer twice in this order: Tortilla pieces, chicken, onions, Ortega chiles, half of the soup mixture and cheese. Bake uncovered at 350 degrees for 45-50 minutes. Remove from oven and let set for 15 to 20 minutes before serving.

### LOTS A SALSA

*From Jeanne Bonfilio, Media Relations/Public Affairs*

- 2 large cans S&W Ready-Cut tomatoes, chopped or mashed with potato masher
- 1-2 pounds fresh, ripe, red tomatoes, chopped or mashed with potato masher
- 1-2 onions, and 1 bunch green onions, chopped
- 1-2 bunches of cilantro (rinse well and remove stems), chopped
- 1/4 cup red wine vinegar
- 2 tablespoonfuls vegetable oil
- 1 medium jar La Victoria salsa, any variety (mild or hot to your liking)
- Salt and pepper to taste — Optional: Garlic powder to taste

Mix all ingredients together and chill for at least one hour. Serve with tortilla chips and Irene Coyazo's Chicken Tortilla Casserole.



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IS PUBLISHED BY THE  
CALIFORNIA DEPARTMENT OF TRANSPORTATION  
DISTRICT 7 • EXTERNAL AFFAIRS UNIT  
120 SOUTH SPRING STREET • ROOM 100  
LOS ANGELES, CALIFORNIA 90012  
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<http://www.dot.ca.gov/dist07/>

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GRAPHIC SERVICES . . . . . MONICA MURILLO  
PHOTOGRAPHY . . . . . STEVE DeVORKIN  
PRINTING . . . . . INTAGLIO  
DISTRIBUTION . . . . . IRMA LOPEZ



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